

Appln No. 10/622,198

Amdt date September 1, 2005

Reply to Office action of June 1, 2005

REMARKS/ARGUMENTS

Claims 1-21 remain in the present application, of which claims 1, 3, 6 and 13 are independent. Claim 3 is allowed, and claims 5 and 8 are indicated as allowable. Claims 1, 2, 6, 8, 13-17, 19 and 21 have been amended herein. None of the claims has been cancelled. Applicants respectfully request reconsideration and allowance of claims 1-2 and 4-21 in addition to maintaining the allowance of claim 3 and allowability of claims 5 and 8.

I. Telephone Interview

Applicants thank the Examiner for the time and courtesy extended to applicants' attorney during the telephone interviews of July 22, 2005 and August 31, 2005. During the telephone interviews, claim 1 has been discussed in reference to the rejection under 35 U.S.C. § 112, first and second paragraphs, and also in reference to certain limitations that will distinguish claim 1 over the cited references. The Examiner has agreed that claim 1 as amended herein appears to patentably distinguish claim 1 over the cited references.

II. Rejection of claims 1, 2 and 4-12 under 35 U.S.C. § 112

As discussed with the Examiner during the August 31, 2005 telephone interview, the claim limitation of "to prevent relative rotational movement between the support arm and the spa cover" has been deleted from claims 1 and 6. Therefore, applicants request that the rejection of claims 1, 2 and 4-12 under 35 U.S.C. § 112, first and second paragraphs, be

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withdrawn. The deletion of the above limitation was done to expedite the prosecution of the application without necessarily conceding to the Examiner's grounds for rejection.

III. Rejection of Claims 1, 2, 4, 6, 7, 13 and 18 under 35 U.S.C. 103(a)

Claims 1, 2, 4, 6, 7, 13 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,000,071 ("Fettes") in view of U.S. Patent Application Publication No. 2002/0050003 ("Perry").

Claim 1 now recites, in a relevant portion, "wherein the slide bracket is adapted to slide with respect to the mounting bracket independently of a pivotal movement of the support arm about the pivot point on the slide bracket." Since the Examiner agreed during the August 31, 2005 telephone interview that the above limitation together with other limitations appear to patentably distinguish claim 1 over the cited references, applicants request that the rejection of claim 1 be withdrawn and that it be allowed.

Similarly, claim 6 now recites, in a relevant portion, "wherein the slide bracket is adapted to slide with respect to the mounting bracket independently of a pivotal movement of the support arm about the pivot point on the slide bracket, such that the spa cover is adapted to slide rearward first and then rotated when the support arm is rotated about the pivot point."

For at least the reasons similar to those given above in reference to claim 1, claim 6 is patentably distinguishable over the cited references. Further, it can be seen in FIGs. 1-3 of

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Fettes that the lift arm 70 coupled to the spa cover 16 is pivotably coupled about the pin 74 to the side plates 62 and 64, which are fixed to the channel bracket 60 fixed with respect to the spa 10. Therefore, Fettes does not disclose that the spa cover 16 slides rearward. Also, it can be seen in FIGS. 3 and 4 of Perry that the spa cover 22 is coupled to the pivot arm assembly 40, which is pivotably coupled to the base bracket 122 fixed with respect to the spa 34. Therefore, Perry does not disclose that the spa cover 22 slides rearward. Hence, Fettes and Perry together do not teach or suggest "that the spa cover is adapted to slide rearward," as recited in claim 6. Therefore, claim 6 is not obvious over Fettes and Perry, and applicants request that the rejection of claim 6 be withdrawn and that it be allowed.

In addition, claim 13 now recites, in a relevant portion, "wherein the spa cover is slid rearward independently of its rotation, and wherein a pivot point of the rotation is moved rearward as the spa cover is slid rearward." As discussed above in reference to claim 6, Fettes and Perry do not teach or suggest that "the spa cover is slid rearward," nor that it is slid rearward "independent of its rotation." Therefore, claim 13 is not obvious over Fettes and Perry, and applicants request that the rejection of claim 13 be withdrawn and that it be allowed.

Since claims 2, 4, 7 and 18 depend from claims 1, 6 and 13, respectively, they each incorporate all the terms and limitations of the respective base claim, in addition to other limitations, which together further patentably distinguish them

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over the cited references. Therefore, applicants request that the rejection of claims 2, 4, 7 and 18 be withdrawn and that they be allowed.

**IV. Rejection of Claims 9-11, 14-17, 19 and 20 under 35 U.S.C.
§ 103(a)**

Claim 9 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fettes in view of Perry, as applied to claim 6, and further in view of U.S. Patent No. 6,442,799 ("Duarte et al."). Duarte et al. is being cited for the proposition that it "teaches a spa cover hinge assembly that includes a support arm (50) that is attached to a spa cover (130) by metal plate on the outside of the spa cover." However, Duarte et al. does not overcome the deficiencies of Flettes and Perry to reject claim 6.

Claims 10 and 11 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Flettes in view of Perry and Duarte et al. as applied to claim 9, and further in view of U.S. Patent No. 6,423,899 ("Reiker"). Reiker is being cited for the proposition that it "teaches a metal plate (24) that is secured to a support by a double-sided tape (140)." However, Reiker does not overcome the deficiencies of Flettes, Perry and Duarte to reject claim 9.

Claim 12 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Flettes in view of Perry, Duarte et al. and Reiker as applied to claim 11, and further in view of U.S. Patent No. 6, 139,236 ("Ito"). Ito is being cited for the proposition that it "teaches fastening arrangement where

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a screw (15) is engaged with a deformable anchor (10), wherein the anchor is deformed and embedded inside a board as the screw is rotated." However, Ito does not overcome the deficiencies of Fettes, Perry, Duarte and Reiker to reject claim 11.

Claims 14-17, 19 and 20 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Flettes in view of U.S. Patent No. 3,961,723 ("Eckel"). Eckel is being cited for the proposition that it "teaches a cover for a receptacle where the cover (12) is slid rearward (see figure 2), and rotated (see figure 3).

However, Eckel does not overcome the deficiencies of Flettes and Perry to reject claim 1, 2, 4, 6, 7, 13 and 18 (where claims 14-17, 19 and 20 each depend, directly or indirectly, from claim 13). By way of example, Eckel does not disclose that "the slide bracket is adapted to slide with respect to the mounting bracket independently of a pivotal movement of the support arm about the pivot point on the slide bracket." As can be seen from FIGs. 2, 3 and 6, the pivot point 38 of Eckel is on the slideway guide 42 fixed with respect to the receptacle 18, and is not on the slide bracket slidably coupled to the mounting bracket installed or adapted to be installed near a top of the spa. Because of this, the pivot point 38 of Eckel is not "moved rearward as the spa cover is slid rearward."

Since claims 9-11, 14-17, 19 and 20 depend from claim 6 or 13, they incorporate all the terms and limitations of claim 6 or 13, in addition to other limitations, which together further patentably distinguish them over the cited references.

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Therefore, applicants request that the rejection of claims 9-11, 14-17, 19 and 20 be withdrawn and that they be allowed.

V. Claim 21

Claim 21, which was newly added in the amendment mailed March 10, 2005, has not been addressed in the June 1, 2005 Office Action. Since claim 21 depends from claim 13, it incorporates all the terms and limitations of claim 13 in addition to other limitations, which together further patentably distinguish claim 21 over the cited references. Applicants request that claim 21 be examined on the merits and be allowed.

VI. Allowed Claim 3 and Allowable Claims 5 and 8

Claim 3 has been allowed. Applicants request that the allowance of claim 3 be maintained. Applicants appreciate the Examiner's indication that claims 5 and 8 are allowable. Since they indirectly depend from claims 1 and 6, respectively, they each incorporate all the terms and limitations of the respective base claim in addition to other limitations, which together further patentably distinguish them over the cited references. Therefore, applicants request that the claims 5 and 8 be allowed.

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VII. Concluding Remarks

In view of the foregoing amendments and remarks, applicants request an early issuance of a patent with claims 1-21. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call applicants' attorney at the number listed below.

Respectfully submitted,
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